

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Luis B. Olivares-Piñeda,

Plaintiff,

v.

U.S. Immigration & Customs Enforcement, et  
al.,

Defendants.

Case No.: 2:24-cv-01825-CDS-BNW

**ORDER**

(ECF No. 1)

On September 27, 2024, pro se plaintiff Luis Olivares-Piñeda, an inmate in the custody of U.S. Immigration and Customs Enforcement who is currently housed at Nevada Southern Detention Center, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. ECF Nos. 1-1, 1. The application to proceed *in forma pauperis* is deficient because Plaintiff failed to submit a financial certificate and an inmate trust fund account statement for the previous six-month period with it. Even if Plaintiff has not been at the detention center for a full six-month period, he must still submit a financial certificate and an account statement for the dates he has been at the facility.

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28  
 2 U.S.C. § 1915(b).

3 However when inmates have difficulty obtaining the required financial certificate and  
 4 inmate account statement for the previous six-month period from prison or detention officials, this  
 5 Court has required them to complete and file the first three pages of the application to proceed *in*  
 6 *forma pauperis* on the Court's approved form together with a declaration demonstrating that the  
 7 plaintiff has done all that is possible to acquire the documents from the appropriate officials. If  
 8 Plaintiff chooses this option, his declaration must include dates he requested his financial  
 9 documents from detention officials, dates of his follow-up requests, names of the officials he spoke  
 10 to about the matter, and their responses. If Plaintiff's declaration demonstrates that he has done all  
 11 that was possible to obtain his financial documents from detention officials, the Court will consider  
 12 his IFP application to be complete.

13 It is therefore ordered that the incomplete application to proceed *in forma pauperis* (ECF  
 14 No. 1) is denied without prejudice.

15 It is further ordered that Plaintiff has **until December 17, 2024**, to either (1) pay the full  
 16 \$405 filing fee, (2) file a new fully complete application to proceed *in forma pauperis* with all  
 17 three of the required documents, or (3) complete and file the first three pages of the application to  
 18 proceed *in forma pauperis* together with a declaration detailing the efforts that Plaintiff took to  
 19 acquire the financial certificate and inmate account statement from detention officials.

20 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he  
 21 fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the  
 22 case with the Court, under a new case number, when he can address the matter of the filing fee.

23 The Clerk of the Court is directed to send Plaintiff Luis B. Olivares-Piñeda the approved  
 24 form application to proceed *in forma pauperis* for an inmate and instructions for the same, and to  
 25 retain the complaint (ECF No. 1-1) but not file it at this time.

26 DATED: October 18, 2024

27   
 28 UNITED STATES MAGISTRATE JUDGE